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15.50hrs.

Title: Discussion on the Offshore ares mineral (Development and Regulation) Bill, 2001. (Bill passed)

THE MINISTER OF STATE IN THE MINISTRY OF COAL AND MINES AND MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD): Mr. Chairman, Sir, I beg to move:

> "That the Bill to provide for development and regulation of mineral resources in the territorial water, continental shelf, exclusive economic zone and other maritime zones of India and to provide for matters connected therewith or incidental thereto, be taken into consideration. "

Sir, I seek your kind permission to give a very brief background of this whole Bill. This Bill is futuristic in nature. India has been gifted with a very long coastline of more than 8,040 kilometres, and therefore, a large number of minerals have been found in the ocean belt by the Geological Survey of India over the years.

Now, a need was felt to have a proper statutory mechanism whereby these minerals can be scientifically exploited.

Sir, as you may know, under article 297 of the Constitution, this power vests absolutely in the Government of India, which *inter alia* says:

> "All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purpose of the Union. "

There are four concepts, which I may indicate here. The first is the territorial waters. This zone is up to 12 nautical miles from the coastal line. Then, there is a contiguous zone, which is up to 24 nautical miles. Then, there is the Exclusive Economic Zone, which exceeds beyond 200 nautical miles and lastly, we have the continental shelf, which is close to 350 nautical miles.

Within these various zones, the rights of the Government of India are to be exercised. For instance, in the case of the territorial waters, complete rights are available. In the case of the contiguous zone, various other rights like customs, etc. can be availed.

We have got two legislations, which I may indicate. One is the Offshore Areas Mineral (Development and Regulation) Act, and the second is the Territorial Waters and Maritime Zone Act, which we had in 1976.

A need was felt for this Bill. Before coming out with this Bill, we had very wide consultations. In the year 1993, we set up a working group under the Chairmanship of the Joint Secretary in the Ministry of Mines. In that, we had representatives from Geological Survey of India, Bureau of Mines, Department of Legal Affairs, Ministry of External Affairs, Oceanography Wing, the Naval Wing of the Ministry of Defence, etc. A whole lot of consultations were there.

After those consultations were completed, this Bill was prepared. Thereafter, it was also referred to the Standing Committee. The Standing Committee has approved it. Thereafter, the Bill is now here today which I am moving for consideration.

I will indicate four very essential components of this Bill, before I conclude. The first is that it defines, in a very statutory manner, what is a mine in oceans. That area has been explained by legal interpretation and legal implication. Secondly, the definitions of leases, permits, where permits can be granted, etc. are there. As you are aware, the environmental concerns are very important in oceans. This Bill particularly takes care of the environmental concerns. A very strict environmental monitoring mechanism is there, which can be properly monitored. I would like to mention clauses 7 and 9, particularly for this purpose. If it is found that any licensee is violating the terms and conditions, there is a summary power, which is given, of termination and also of closure. Security considerations are also there. There is a provision of civil liability and there is also a provision of criminal liability. All the mechanisms have been enacted in the rule.

Lastly, I wish to assure that there is a rule-making power. We shall be coming out with very extensive rules, whereby further powers and safeguards shall be there for effective implementation of the rule.

इन आरंभिक शब्दों के साथ मैं इस बिल को सदन के सामने प्रस्तुत करता हूं। मैं इतना ही कहना चाहूंगा कि इसमें उन सारी बातों का ध्यान रखा गया है ताकि अपने

पर्यावरण और भारत की सुरक्षा का ध्यान हो सके। लेकिन भविय की आवश्यकताओं के अनुरूप यह बिल जरूरी है। मैं इस बिल को आपके सामने प्रस्तुत कर रहा हूं।

MR. CHAIRMAN : Motion moved:

> "That the Bill to provide for development and regulation of mineral resources in the territorial water, continental shelf, exclusive economic zone and other maritime zones of India and to provide for matters connected therewith or incidental thereto, be taken into consideration."

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Mr. Chairman, Sir, I am delighted to welcome this very socialist Bill that has been brought before us.

The philosophy underlying this Bill goes so-completely against the economic philosophy that, over the last four years, has been regretfully pursued by this Government that I am not sure how they reconcile the approach of this Bill with the rest of their economic policy. But if the rest of their economic policy were to be influenced by the approach in this Bill, then, I, as a socialist, would be more than delighted to accept it. For, in this Bill, they have firstly, restricted operations to Indian companies where otherwise they fall shamelessly at the feet of foreign companies. Secondly, they have exempted Government agencies from the stricter provisions of this Bill, whereas for the rest, they are engaged in selling off everything that they themselves have done nothing to create.

Thirdly, they have introduced a system of being able, of their own accord whenever they feel there is a violation, to act against the party that violates conditions, whereas, normally, their approach is one of completely appeasing any foreign entity or any capitalist entity which rapes and robs this country. Their answer is to make them Members of the Prime Minister's Council on Trade and Industry, not to take action against them. So, I entirely welcome the socialist approach that underlies this Bill and I would only hope, as I said, that it influences the rest of this Government's economic policy.

But, Sir, I have remained un-pursuaded even after the hon. Minister's opening remarks as to why it has taken them 20 years to bring such an important Bill before this House. It was as long ago as 1982 that the UN Convention on the Law of the Sea was adopted and all the wealth that the hon. Minister has mentioned just now has been lying un-excavated for the last 20 years. Apparently, it took them, mostly the Governments of Congress Party, close to 11 years before a Working Group was established, but considering the content of the Bill one is amazed that the process of consultation which the Government have indulged in has taken eight years to reach the point where the Bill could be brought before the House. While deploring the delay that has taken place, I welcome the fact that atleast now it has come before us.

But it would be useful if the hon. Minister in his reply were to explain to us why he waited for 11 years after the adoption of the UN Convention on the Law of the Sea to set up the Working Group and why the Working Group has taken quite as long as it has done to come to their conclusions, for, after all, I see nothing in this Bill that is so controversial as to have justified the delay that seems to have taken place in the functioning of the Working Group. And, therefore, this I think is the appropriate moment to pull up the bureaucracy which drags its feet instead of congratulating them on the excellent job they have done in producing such a Bill.

Sir, while I welcome greatly the features of this Bill, I must express my deep apprehensions that there will be no sincerity on the part of this Government in actually implementing these provisions, as we have seen with the lackadaisical attitude and even the attitude of harming the national interest which we have seen in other areas of economic activities.

Just for example, very stringent provisions have been made for licence fee. But, Sir, stringent provisions existed in the Telecom sector as well. When the companies applied their licences and started operations, they turned around and told this Government that they would not pay the licence fee and compelled this Government, which is of course weak in the knees, to change the entire system from the licence fee to something else. Now, I am not sure that Shri Ravi Shankar Prasad has it in him to stand up to these companies when they turn around and say that they will not pay any fee or licence since it is the record of this Government that they have lost approximately Rs.200,000 crore prospectively over the next 20 years in the telecom sector owing to their shift from one system of fees to another system of fees. I am delighted to see that Shri Jagmohan is here because he at least had the courage to stand up against such cowardly behaviour. I hope that you, the hon. Minister Shri Ravi Shankar Prasad, will be more like Shri Jagmohan and less like the Minister of Parliamentary Affairs. I want an assurance from the Minister that all the stringent conditions about the period for which licences will be given, the penalties that will be imposed for non-performance, the sums of money that will be realised by way of permit fee or licence fee that he will actually realise them. I want this assurance on the floor of the House because it is the absence of any such assurance which enable this Government to allow the telecom operators to get away with the *loot* amounting to thousands and thousands of crores of rupees of Indian money.

Next, Mr. Chairman, Sir, I would like the hon. Minister to assure this House that strict court action will be taken against anyone, Indian or foreign, who is caught violating, in particular, the pollution provision.

16.00 hrs.

We have seen with regard to the Bhopal gas tragedy that Mr. Anderson of Union Carbide was given the courtesy of an aircraft by the State Government for him to be able to return to Delhi and live happily abroad while lakhs upon lakhs of people who have suffered on account of the negligence of Union Carbide are continuing to suffer and have been given what, in American terms , would be extremely minimal compensation and that too has not entirely reached them. So, what we need is an assurance that when you are obliged to take strict action, you will in fact take strict action and not allow extraneous considerations to come in the way of acting against people who violate your pollution regulations, your security regulations or any other kind of regulation which affects the national interest at large in addition to the nation's financial interest.

16.01 hrs. (Dr. Laxminarayan Pandeya *in the Chair*)

Thirdly, I am a little disturbed at the Government retaining almost all discretionary powers to itself without the benefit of a regulatory authority. The experience of regulatory authorities set up in this unfortunate period of liberalisation has been most unhappy. We in the Joint Parliamentary Committee on the Stock Market Scam are currently engaged in investigating the role of regulatory authorities like the Securities and Exchange Board of India and the Reserve Bank of India. Since I am a member of that Committee, I cannot comment on it at this stage. But, as a citizen of India and not as a member of the Committee, I think our regulatory authorities have done a poor job because they are not professionally managed. They are a parking place for the IAS; especially the less competent IAS. They are not really independent of the Government. In a new area like this, while I am glad that the Government will continue to exercise this responsibility of supervising such an important matter, we need to have an independent and a thoroughly professional regulatory authority which will assist the Government in carrying out the Government's general directives, but be independent of the Government in not allowing a particular very very well endowed industrial or commercial entity to influence the decisions that are taken in this regard. Therefore, I would request the Minister to consider, not immediately, but over a period of time, establishing a regulatory authority that is truly independent and truly professional to complement and supplement the policy directives of the Government in this regard.

I must emphasise at this point what has been stated in the Statement of Objects and Reasons, which I think requires underlining. That is, that the area of land that we are considering under this Act is almost equal to the total on-shore surface of India. The total on-shore surface of India is 3.3 million sq. kms. Under this Act, we are going to be looking at the economic wealth of India hidden under 3 million sq. kms. below the ocean surface. It virtually doubles the economic area of India. Therefore, I think we need to recognise that we have effectively doubled the nation's potential wealth. Indeed, we, have probably increased the potential of India's wealth exponentially in the sense that the mineral resources under the sea-bed are so valuable that they could much more than doubly add to the nation's wealth.

In the light of this, there is very very careful overview required of how the Act actually gets implemented. In implementing this Act, we cannot only look at the technical aspects that a technical Ministry like the Mines Ministry would be considering. We would also have to take into account various Defence parameters, most important perhaps various international parameters. Therefore, there is need for a Parliamentary oversight not only through the Standing Committee on the Ministry of Mines, but perhaps by some innovative system which the hon. Speaker might wish to reflect upon, where the inputs of those concerned with External Affairs and those concerned with Defence do get added to the technical concerns of those who are connected with this particular industry. So, that is again an aspect which I would like the hon. Minister to reflect upon and bring into operation while he is implementing these matters.

Finally, I wish to draw attention to India's remarkable achievement as a developing country which is to be one of the few that is operating in Antarctica where the mineral wealth under the Law of the Sea is going to be even greater than what is available by the doubling of land area under India's economic jurisdiction which has come about over here. This Bill does not look into that aspect. We are, of course, still at a fairly distant stage from the actual grant of licences for exploration or exploitation in Antarctica area but the link between the regime that we establish here in India for our exclusive economic zone and the kind of privileges which we will be seeking in Antarctica should be borne in mind by the Government as a whole. It is not only the hon. Minister Shri Ravi Shankar Prasad's responsibility but also that of the Government as a whole because there are many other Ministries and Departments which will be concerned with this. Therefore, I would appeal to the hon. Minister to straightaway bring this up as a matter of priority consideration and perhaps, through the Government of India, to set up a Group of Ministers or some other expert body drawn from all these different Ministries which would check on the links between our regime for the exclusive economic zone and the regime we will be seeking in Antarctica because we must not find

ourselves in a situation where we lose in Antarctica because of the regime that we have prepared for India.

So, if these objectives are maintained, if the hon. Minister Shri Ravi Shankar Prasad assures us that the socialism offshore will be brought onshore, then my party would be delighted to welcome and support this Bill.

With these words, I conclude.

श्री प्रहलाद सिंह पटेल (बालाघाट) : महोदय, मैं अपतट क्षेत्र खनिज (विकास और विनियमन) विधेयक, 2001 का समर्थन करने के लिए खड़ा हुआ हूं। इसकी भूमिका में माननीय मंत्रीजी ने सामुद्रिक सीमाओं और उसकी दूरियों का उल्लेख किया है । मैं उसकी पुनरावृत्ति नहीं करना चाहता हूं, लेकिन पूर्ववक्ता की बातों को सुनकर मुझे लगा कि उनका समाजवाद बिखर कर सामने आ गया। जब व्यक्ति सत्ता में नहीं रहता है, तो समाजवाद की बातें करता है और सत्ता के सामने अपने दूसरे तर्क रखता है। मैं उनको याद दिलाना चाहता हूं कि देश में विभिन्न तरह की सामुद्रिक सीमायें हैं, जैसे प्रादेशिक समुद्र 12 सामुद्रिक मील, समीपस्थ क्षेत्र 24 सामुद्रिक मील, महाद्वीप शैल्फ में 200 से 300 सामुद्रिक मील और अनन्य आर्थिक क्षेत्र में 200 सामुद्रिक मील है। एक बात बहुत महत्वपूर्ण है, जिसका उल्लेख पूर्व वक्ता ने भी किया है। 1982 में अन्तर्राट्रीय कन्वैंशन में स्वीकार किया गया कि सामूहिक सामुद्रिक व्यवस्था सुनिश्चित करनी चाहिए। यह बात जरूर है, जो भी सरकारें सत्ता में रहीं, उन्होंने इस काम में विलम्ब किया। इस सदन में जो भी सदस्य रहा है, उसको पता है और भविय में जो भी सदस्य आयेंगे, उनके लिए हमारे पास आंकड़े हैं, हमने 16 नवम्बर, 1994 में कन्वैंशन की शर्तों को स्वीकार किया और 1995 में पूरी तरह से उनको लागू किया, लेकिन इतने से काम नहीं चलेगा, हमें पुराने आंकड़ों को देखना होगा। 1957 में खनिज विनियमन अधिनियम हमारे सामने था, जिसके द्वारा राज्य सरकारों को विशेा अधिकार दिए गए थे, जो सीमावर्ती राज्य थे। इसके बाद इसमें दो अमेंडमेंट किए गए और केन्द्रीय सरकार को सारे अधिकार मिल गए। जब दोनों कानूनों को देखते हैं, तो इसमें विरोधाभास दिखाई देता है। यदि इसके आगे चलें, जिसका उल्लेख माननीय मंत्री जी ने भी किया है, 1993 में जाइंट सैक्रेटरी की अध्यक्षता में एक समिति बनाई गई थी। उन्होंने अपनी रिकमेंडेशन्स दी थीं और उल्लेख किया था कि इसमे बहुत लम्बे दूर तक परिवर्तन नहीं करने हैं। यह मानकर चलिए कि वर्षों तक इसमें विरोधाभास चलता रहा। यह आश्चर्यजनक बात है। अगर आलोचना होनी चाहिए तो वास्तव में इस बात पर होनी चाहिए, अधिकारियों ने किया है या नहीं किया है, यह महत्व की बात नहीं है। जो दो कानून एक-दूसरे से टकराते रहे, उनके बारे में विचार नहीं किया गया।

महोदय, मैं मंत्री जी को बधाई देना चाहता हूं कि उन्होंने बहुत जल्दी इसे ध्यान में रख कर सदन में रखा है। विशेा बात यह है कि दुनिया में परिवर्तन हो रहे हैं और समुद्र के अन्वेाण की जब बात आती है, यह सिर्फ एक विभाग, खान एवं खनिज का मामला नहीं है, उसमें कोयला मंत्रालय भी है। विधेयक में साफ तौर से पैट्रोलियम और पैट्रोलियम प्रोडक्टस को छोड़ कर बाकी सारी चीजें उसमें दी हैं। उसमें बायो-डायवर्सिटी भी आती है और उसमें जो सीमा क्षेत्र है, उस पर हमें विचार करना पड़ेगा। मेरी जानकारी में जैसे महाराट्र एवं गुजरात के जो तट हैं, वहां 50 से 200 मीटर गहरे जल के जो क्षेत्र हैं, उनमें उच्च ग्रेड का चूना है। आंध्र तट में सौ से 200 मीटर गहरे जल में उच्च ग्रेड का चूना है, मड निक्षेप उसमें भी है। चैन्नई के दक्षिण एवं पश्चिम से सौ से 200 मीटर गहरे जल में फॉस्फेटाइज़्ड सेंडीमेंट्स हैं। लक्ष्यद्वीप समुद्र में 2800 से 3400 मीटर गहरे जल में माइको, मैगनीज़, नोडयूल्स पाए जाते हैं। लक्ष्यद्वीप के उथले अपतट और लेगुनों में उच्च ग्रेड केलसेरियस बालू पाए जाते हैं। ये जो क्षेत्र हैं, ऐसा नहीं कि ये आज सामने आए हैं। हमारे जो भी वैज्ञानिक ओसियन डेवलपमेंट के लिए काम करते रहे - चाहे वे अनुसंधान के क्षेत्र में काम करते रहे हो, उन्होंने जानकारी हासिल की है कि ये हमारे पास हैं और हमें अंतर्राट्रीय कंवेंशन से एक फायदा यह हुआ है कि कुछ क्षेत्र हमें बढ़ा कर बताए गए कि इस क्षेत्र पर आप अपने अनुसंधान के कार्य कर सकते हैं। ऐसी स्थिति में इस कानून की महती आवश्यकता है। इसलिए मैं चाहूंगा कि जब इस पर विचार करने के लिए बैठे हैं तो इसके कुछ अच्छे लक्षण भी हैं। हमने परमाणु खनिजों को भी पट्टे पर देने की बात कही है, लेकिन इस कानून में प्रतिबंध भी है कि जब तक भारत सरकार या परमाणु ऊर्जा विभाग से परमीशन नहीं ली जाएगी तब तक कोई भी व्यक्ति परमाणु खनिजों का उत्खनन नहीं कर सकता। यह चिन्ता का विाय है, जब हम परमाणु खनिजों की बात करते हैं तो आज हम समुद्र में क्यों परमाणु खनिजों की संभावना को तलाश रहे हैं। उसके पीछे कारण है कि बढ़ती आबादी और बढ़ती आवश्यकताओं में जो हमारे क्षेत्र हैं, वे कम पड़ रहे हैं।

आप जानते हैं कि दुनिया में 71 फीसदी समुद्र हैं, बाकी हमारे भूमिगत क्षेत्र हैं। जब हमारी आवश्यकताएं बढ़ेंगी तो निश्चित रूप से हमें एक न एक दिन समुद्र के ऊपर अपनी आवश्यकताओं की पूर्ति के लिए निर्भर होना पड़ेगा। लेकिन हमें इस बात का ध्यान रखना होगा, मैं अय्यर जी की बात से सहमत हूं कि हम दुनिया के उन लोगों के बारे में विचार करें कि कोई विदेश से आकर हम पर राज न करने लगे। यह कानून स्पट करता है, इसकी धारा में स्पट उल्लेख है कि जो रजिस्टर्ड कम्पनी है, अधिनियम 1956 की धारा 3(1) के तहत जो भारतीय कम्पनी या जो व्यक्ति भारतीय है, यदि वह किसी विदेशी को भी रोजगार देना चाहें तो उसे परमीशन लेनी होगी। हम उन संभावनाओं की तरफ देखें। इसके बनने से इस अनुसंधान में कोई विदेशी व्यक्ति या कम्पनी शामिल होगी तो हमें नुकसान हो सकता है। इसलिए स्वाभाविक है कि उसकी चिन्ता हमें करनी चाहिए। सदन में बैठे हुए प्रत्येक माननीय सदस्य को इस बात का अवश्य ध्यान रखना चाहिए कि कहीं इस सारी चर्चा में कोई चीज ओझल तो नहीं हो रही, उस पर विचार करना चाहिए। सदन इसी बात पर विचार करता है। कानून के एक-एक पैरा को देखने के बाद आपको यह लगा कि हम उन सारी संभावनाओं का, जो हमारे ऊपर बाहर से हमला कर सकती हैं, उन्हें रोकने का भी इस कानून में कहीं न कहीं प्रावधान है।

सभापति महोदय, निश्चित रूप से जहां तक ओसियन डेवलपमेंट की बात है, मैं समझता हूं कि सिर्फ यही बात नहीं है, चाहे हमारे समुद्र प्रोद्योगिकी, समुद्र विज्ञान हो या खनिज हो। मैं बायो-डायवर्सिटी की बात भी करूंगा, जो हमारी धरती पर नहीं हैं, वे प्राय: लुप्त होते जा रहे हैं, जो हमारे समुद्र में हैं। ये हमारी जानकारियां हैं, लेकिन हम उनका दोहन नहीं कर सकते। हमारे पास अन्वेाण के अनुभव कम हैं, उन्हें बढ़ाने की जरूरत है। हमने इस तरफ ध्यान नहीं दिया, इस सच्चाई को हमें स्वीकार करना पड़ेगा। अगर हम तत्काल उसे प्राप्त करना चाहते हैं तो हमें अनेक ऐसी कम्पनियों को भी बुलाना होगा, उनकी मदद लेनी होगी। आज हम समुद्र के मौसम के बारे में विचार करें। यह ठीक है कि आज हिन्दुस्तान नम्बर एक पर पहुंच गया है, लेकिन अन्य बातों में हम समुद्र की जानकारी की दृटि से एक नं. पर नहीं हैं। ऐसी स्थिति में कहीं न कहीं से एक-दूसरे से ज्ञान का आदान-प्रदान करना होगा, इसके आदान-प्रदान में वे कहीं अधिकतम लाभ न ले जाए। इस बात की चिन्ता सरकार को करनी चाहिए। सरकार इसी चिंता के तहत अपने इन सभी कर्तव्यों को पूरा करते हुए इस कानून को लेकर आई है मैं इसके लिए सरकार को बधाई देना चाहता हूं। इसमें दंड का प्रावधान रखा गया है। मैंने जितना इस बात का अध्ययन किया है मैं उसमें एक बात की सराहना करना चाहता हूं कि यदि कोई व्यक्ति पट्टा नहीं लेता है, लाइसेंस नहीं लेता है और उसके बाद खनन करता है या उपयोग करना चाहता है ऐसी स्थिति में पांच वर्ा की कठोर कारावास की सजा है। वह जितना लाभ कमाएगा उतना उसे जुर्माना देना पड़ सकता है। दूसरी तरफ यदि लाइसेंसधारी है और नियमों का उल्लंघन करता है तो इसमें साफ लिखा है 10 लाख से एक करोड़ रुपए तक जुर्माना बढ़ सकता है। यदि विशेा परिस्थिति होगी तो कम से कम वह जुर्माना एक लाख रुपए से कम नहीं होगा। उसे 10 लाख के बाद भी बढ़ाया जा सकता है। इसका सरकार के पास अधिकार है। निश्चित रूप से दंड प्रक्रिया को पूरी तरह स्पट किया है जो महत्वपूर्ण बात है। सिविल प्रक्रिया अपनाने की भी इसमें कल्पना की है। इसे अलग रख कर सिविल प्रक्रिया से थोड़ा आगे बढ़ने की कोशिश सरकार ने की है। इस परिस्थिति में जो कुछ छूटें दी हैं जैसे भारतीय भू वैज्ञानिक सर्वेक्षण, परमाणु खनिज खोज और अनुसंधान निदेशालय, नौसैनिक सर्वेक्षण कार्यालय, राट्रीय समुद्र विज्ञान संस्थान और राट्रीय समुद्र प्रौद्योगिकी संस्थान सहित केन्द्र की जो एजेंसियां होंगी और यदि वे अनुसंधान करना चाहती हैं, उन पर यह कानून लागू नहीं होगा। राट्रीय स्तर के हित को देखते हुए अगर सरकार कुछ करना चाहती है तो इस कानून की सहमति के बगैर वह अपना काम जारी रख सकती है। राट्रीय हित के सवालों का ध्यान रखते हुए इस कानून को पूरा स्थान दिया गया है और पूरी चिन्ता की गई है। इस विधान को बनाते समय जो चिन्ता की है और देश के सामने जो चीजें आज धरती पर शायद हमारे लिए संभव नहीं है उन खनिजों का उल्लेख इस रिपोर्ट में किया है और वे हैं इल्मेनाइट. गारनेट, जीकोन, मोनाजाइट, अल्मीनियम, सिलेकेट, सिल्मेनाइट, कायनाइट, लिकोटिन। ऐसे उत्पाद धरती पर कम मात्रा में पाए जाते हैं और हम दूसरों पर आश्रित हैं। ऐसी स्थिति में देश के भविय के लिए यह कानून हमारी प्रगति में मील का पत्थर साबित होगा मेरी ऐसी मान्यता है। सरकार सारी कमियों को दूर करते हुए जितनी जल्दी इस कानून को लाई है, उसके लिए वह बधाई की पात्र है। मैं इसका समर्थन करता हूं और

अपनी बात समाप्त करता हूं। मैं इसके लिए मंत्री जी को धन्यवाद देता हूं। अय्यर जी ने जो तर्क दिया कि रवि शंकर जी पता नहीं मजबूत होते हैं या नहीं, मैं उनसे कहना चाहता हूं कि हमें विरासत में जो सरकार मिली है वह अविश्वास के धरातल पर मिली है। मैं रविं शंकर जी से परिचित हूं। उन्हें उत्तराधिकार में जो चीजें मिली हैं, आशा है वह उनमें सफल होंगे और अविश्वास को तोड़ेंगे। इस बारे में कोई गलतफहमी नहीं होनी चाहिए। मैं न समाजवादी हूं और न ही पूंजीवादी हैं। मैं एकात्म मानववादी हूं। मुझे लगता है कि हम किसी जाल में फंसने वाले नहीं हैं। हम भारत के हितों की चिन्ता करेंगे और यह कानून उसकी मिसाल बनेगा।

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : मैं सरकार के ऊपर आरोप लगाना चाहता हूं। माननीय मंत्री जी नए हैं। जैसे मेडन स्पीच होती है उसी तरह इनका यह मेडन बिल है। इसके लिए मैं उन्हें धन्यवाद देता हूं। यह एक लाभ देने वाला विधेयक है। 1982 में यूएन कनवैंशन हुआ था। हमने खान और खनिज को छोड़ दिया था। इसके पहले 20 बरस तक जैसे-तैसे काम चल रहा था। बिल के उद्देश्य और कारण इन लोगों ने पढ़े नहीं है। मैं पहले हिन्दी वाला पढ़ना चाहता हूं। उसमें लिखा है कि भारत का भूमि क्षेत्र लगभग 33 लाख वर्ग किलोमीटर है जिस में तटवर्टी क्षेत्र 8 हजार 41 वर्ग किलोमीटर है। महोदय, इससे लगता है कि 33 लाख वर्ग किलोमीटर में से 8041 वर्ग किलोमीटर तटवर्ती क्षेत्र है। अब अंग्रेजी में सुनिये : India has approximately 3.3 million square kilometres of land area with a coast line of 8041 kilometres. हिन्दी और अंग्रेजी में अर्थ का अनर्थ हो जाता है। हिन्दी में लिखा हुआ है कि 8041 वर्ग किलोमीटर समुद्री किनारा- ये लोग लापरवाही से विधेयक बनाते हैं, कुछ भी लिखते हैं और संसद में लेकर आते हैं। यह नहीं जानते कि सरसरी निगाह से लोग पढ़ेगे। The are of the Exclusive Economic Zone is 2.02 million square kilometres. इसके बाद इन्होने लिखा है कि अन्यान्य आर्थिक क्षेत्र का क्षेत्रफल 22 लाख वर्ग किलोमीटर - फिर अर्थ का अनर्थ हो गया। हमें संदेह हो जाता है कि हिन्दी वाली बात ठीक है या अंग्रेजी वाली। इसलिये मैं संशय में पड़ जाता हूं जो 20.2 लाख वर्ग किलोमीटर हुआ।

SHRI TRILOCHAN KANUNGO (JAGATSINGHPUR): Sir, it may be because of the fact that the Mathematics Professors have come from the colleges to this Parliament House and their mathematics have lost site of there.

MR. CHAIRMAN : The hon. Minister will clarify it.

डॉ. रघुवंश प्रसाद सिंह : , 22 लाख हिन्दी में और अंग्रेजी में 2.02 मिलियन किलोमीटर?

MR. CHAIRMAN: Hon. Minister, he is raising a very valid point.

डॉ. रघुवंश प्रसाद सिंह : यह कितना बड़ा अनर्थ हो गया है। इतना ही नहीं, यह कहा गया कि खनिज, बालू में अधिकांशत: रूटाइल सहित इल्मेनाइट, लिकोटिन, गारनेट जीर्कोन, काइनाइट, मोनाजाइट, अल्युमिनियम सिलिकेट ये सब भारी पैमाने पर पाये गये हैं। ये सब खोज से मिले हैं लेकिन रायल्टी के मामले में लिकोटिन और काइनाइट को छोड़ दिया गया। मैं सरकार से जानना चाहता हूं कि इन्हें क्यों छोड़ दिया गया? बाद में इसमें लिखा है कि खनिज जो अनुसंधान में मिलेंगे लेकिन जिन खनिजों की जानकारी हो गई, उन्हें रायल्टी में क्यों छोड़ दिया गया। सरकार इसे देखे क्योंकि यह बिल लापरवाही से लाया गया है। हम सब जानते है कि समुद्र में भारी मात्रा में खनिज मिलते हैं और किनारे पर भी खनिज पदार्थ मिलते हैं। यदि खुदाई की जायेगी तो मालूम होगा कि बालू में खनिज कितना है?

लिकोटिन, इल्मेनाइट इसमें हैं। हमने एल्युमीनियम ऑक्साइड और बॉक्साइट सुने थे। इल्मेनाइट, कायनाइट नहीं सुने थे। लेकिन ये सभी पदार्थ उसमें छूट गये हैं तो इन्हें माननीय मंत्री जी ठीक से देख लें। आपने शुरू में कहा कि जो चीजें खनिज में हैं, उनका रॉयल्टी में छूट जाने से क्या मतलब रहेगा। उसकी रॉयल्टी नहीं आयेगी और उसमें कुछ हेरा-फेरी हो जायेगी। इसलिए इसमें सुधार कर लेना चाहिए। जिन एरियाज का इन्होंने दावा किया है कि हमने सुरक्षा का भी ख्याल रखा है। हम जानना चाहेंगे कि आपने कौन सा इंतजाम किया है, जो उधर सुरक्षा ठीक रहेगी। उस एरिया में अब तक जो सुरक्षा की व्यवस्था थी, एक विधेयक आने के बाद यह कौन से विशेा इंतजाम करेंगे जिससे वहां की सुरक्षा ठीक रहेगी।

इसके बाद पर्यावरण का मामला आता है। आपने पर्यावरण के लिए कौन सा उपाय किया है,क्या कार्रवाई की है, जिससे हमारा पर्यावरण दुरुस्त रहेगा। नहीं तो इसमें वेस्टेड इंटरेस्ट लग जाते हैं। अभी वन्य एवं पर्यावरण विभाग में जहां पहाड़ हैं, उसमें जहां-तहां वेस्टेड इंटरेस्ट के लोगों ने पहाड़ों को काट-काट कर खत्म कर दिया। उन्होंने पहाड़ों को नीचे से काट दिया, ऊपर जंगल और मिट्टी है, नीचे से काट लेने के कारण सारी मिट्टी और जंगल बरबाद हो गये और उसका पर्यावरण पर कुप्रभाव पड़ा। इसलिए कौन सी सावधानी बरती गई है, जो इन खनिजों का दोहन करेंगे या उन्हें निकालेंगे और सप्लाई करेंगे, आपने कौन से उपाय, कौन सी सावधानियां बरती हैं जिनसे हम आश्वस्त हो सकें कि सरकार इस मामले में सचेट है। केवल कह देने से नहीं कि विधेयक में आपने सुरक्षा और पर्यावरण के लिए प्रावधान किया है। इन सारी बातों की जानकारी हम सरकार से चाहते हैं और इनका क्या फायदा होगा। 1982 में कंवेन्शन हुआ, 20 वर्षों तक एक विभाग मंथन करता रहा, हिसाब जोड़ता रहा और इसे लाने में इतनी देरी हुई। श्री मणिशंकर अय्यर जी ने सब हिसाब बताया है कि खान-खनिज का हमारा अथाह भंडार पड़ा हुआ है।

सभापति महोदय, बिहार का बंटवारा हुआ और सारे खान-खनिज झारखंड में चले गये। सारी पूजीं झारखंड के उद्योगों में लग गई। हमारे यहां ग्रेनाइट का जो अनुसंधान हुआ है, सरकार बताये कि उस ग्रेनाइट का कब इस्तेमाल होगा, नहीं तो बिहार में सिवाय बालू के खान-खनिज अब नहीं रहे हैं। लेकिन वहां मुंगेर कर्ण की राजधानी जंगली एरिया में थी, लोग बताते हैं कि इस एरिया में सोना मिलने के अवसर है। इसलिए आप समुद्र के किनारे खोलिये। समुद्र के किनारे होने के कारण पुराने जमाने में मुम्बई, चेन्नई और कलकत्ता विकसित होते गये। चूंकि वहां समुद्री मार्ग था, इसलिए ये विकसित होते चले गये। लेकिन जो बीच में हैं, जैसे दिल्ली, उत्तर प्रदेश और बिहार आदि का क्या होगा। खान-खनिज का आप केवल समुद्री एरियाज वाला कानून लाये हैं। आप बिना समुद्री एरियाज के खान-खनिज वाला कानून भी लाइये और बताइये कि इनका दोहन कैसे होगा, ग्रेनाइट का दोहन कैसे होगा। कर्नाटक में ग्रेनाइट बहुत अच्छा होता है, वहां अच्छा कारोबारी पत्थर होता है। जयपुर में विभिन्न किस्म का संगमरमर है। हमारे यहां जांच करने तथा अनुसंधान करने पर सबसे अच्छा ग्रेनाइट पत्थर बिहार में मिला है। अब मुझे लगता है कि हम लोग भी खान-खनिज वाले मामले में शून्य नहीं रहेंगे। हमारे लिए भी कुछ इंतजाम हो जायेगा। इसलिए तटवर्ती इलाकों के साथ-साथ गैर तटवर्ती एरियाज में भी खान-खनिज का दोहन हो, उससे लोगों को लाभ मिले और इसका सदुपयोग हो, इन सब बातों को माननीय मंत्री जी स्पट करें। माननीय मंत्री जी नये आये हैं और यह विधेयक लाये हैं, हम उनका धन्यवाद देते हैं।

प्रो. रासा सिंह रावत (अजमेर) : माननीय सभापति महोदय, मैं आपके माध्यम से कहना चाहूंगा कि स्वस्थ आलोचना का हम स्वागत करते हैं, परंतु एक समग्र बिल इस सरकार के द्वारा लाया गया है। समुद्र को रत्नाकर कहा गया है, वसुन्धरा कहा गया है। रत्नाकर का मतलब जो रत्नों का भंडार होता है, बाकी संस्कृत के शब्द हैं। आप अंग्रेजी धाराप्रवाह बोलते हैं, उसकी हम प्रशंसा करते हैं, लेकिन उसके साथ हमारी जो शब्दावली है, रत्नाकर, वसुंधरा, रत्नों को धारण करने वाली तथा समुद्र के पैंदे में पाये जाने वाले नाना प्रकार के खनिज जो गिनाये गये हैं, उनका उल्लेख किया गया है। ऐसा समग्र बिल इस सरकार के द्वारा केवल तीन-चार साल के शासन के अंदर ही लाया गया है, इसके लिए मैं एन.डी.ए. सरकार को बधाई देना चाहता हूं।

1982 के कन्वेंशन की माननीय सिंह साहब और अय्यर साहब ने यहां बात कर रहे थे। उसके बाद शासन किन लोगों के हाथ में था, किनके हाथ में इस देश का शासन था ? यू.एन. कन्वेंशन, 1982 के अंदर सम्पन्न हुआ। उसके बाद यह अधिकार मिल गया कि इतना नाटीकल माइलज तक भारत की सीमा है, उसके आगे

इसकी सीमा है और उसके आगे उसकी सीमा है। इससे हम समुंद्र के अंदर गति कर सकते हैं। वहां पर खनिजों को निकाल सकते हैं। आखिर क्यों नहीं निकाला ? किसने मना किया था ? Doing and saying or speaking are different things.

कथनी थोथी जगत में, करनी उत्तम सार, कह कबीर करनी सबल, उतरे भवजल पार।

इसलिए मैं बधाई देना चाहूंगा कम से कम इसको तो निकाला। मैं रघुवंश बाबू जी के लिए यह प्रार्थना करना चाहूंगा। वैसे उनके बारे में कुछ कहना सूर्य को दीपक दिखाना है। मैं निवेदन करना चाहूंगा कि यह बिल समुद्र के अंदर पाये जाने वाले खनिजों के बारे में लाया गया है। धरती के ऊपर पाये जाने वाले खनिज, भारत भूमि को ट्रेजर ऑफ नेचर, क्रेडल ऑफ नेचर , प्रकृति का पालना कहा है। वहां पाये जाने वाले खनिजों के लिए बहुत से कानून बने हुए हैं, जिन कानूनों के आधार पर खनन होता है, खुदाई होती है। बिहार को रायल्टी प्राप्त होती है और हर राज्य अपना-अपना हिस्सा प्राप्त करता है। ऐसे बहुत सारे कानून पहले से बने हुए हैं लेकिन समुद्र के पैंदे में पाये जाने वाले खनिज पदार्थ हैं, उनका हम कैसे दोहन कर सकें, कैसे उनसे भारत लाभान्वित हो सके, इसके बारे में यह समग्र बिल, कम्प्रीहैन्सिव बिल लाया गया है। इसके लिए मैं इनको बहुत-बहुत बधाई देना चाहूंगा।

एक बात और मैं कहना चाहूंगा। जैसा भारत के संविधान के अंदर उल्लेख किया गया है कि केन्द्रीय सरकार को अधिकार है कि वहां अपना जो लंबा चौड़ा तट है, 8041 किलोमीटर का हमारा तटीय क्षेत्र है और 3.3 मिलियन वर्ग किलोमीटर ऐसा क्षेत्र है जिसके अंदर खनिजों का अन्वेाण करना और उनका एक्सप्लोरेशन करना, उनके लिए व्यवस्था करना आदि ये सारे अधिकार केन्द्रीय सरकार को मिले हुए हैं। केन्द्रीय सरकार ने अपने अधिकारों का उपयोग करते हुए खनन के क्षेत्र में क्रांतिकारी कदम उठाया है। इसके लिए एक वर्किंग ग्रुप बनाया गया था। वर्किंग ग्रुप ने काफी डिसकशन किया।

> "The Government has carefully considered the recommendations of the Working Group and has decided that a law relating to development and regulation of minerals in offshore areas may be enacted."

यह बात विचार करने के बाद जो कार्यक्रम बनाया गया था। उसकी जो अभिशंसाएं थीं, उन अभिशंसाओं के बारे में विचार करके, फिर विकास करने के लिए और खनन को अधिनियमित करने के लिए यह बिल बनाया गया है। अंत में बताया गया है किः

> "The proposed legislation would enable streamlining of mineral exploration and development in the offshore areas and ensure systematic and scientific exploitation of mineral reserves (except petroleum, natural gas and hydrocarbon resources) for attracting private investment in the mineral sector."

यह मामला खनन का था लेकिन माननीय अय्यर साहब उदारीकरण की नीति की आलोचना करने लगे और पिछले चार-पांच साल की बातें करने लगे। आप कभी तो चश्मा दूसरा लगा लीजिए। जाकि रही भावना जैसी, प्रभु मूरति देखि तिन तैसी। कोई भी विाय हो, कैसा भी विाय हो, केवल छिद्रान्वेाण की प्रवृत्ति वास्तव में राट्र के लिए घातक है।

मैं आपके माध्यम से कहना चाहूंगा कि जहां राट्र का सर्वांगीण विकास निहित है वहां कम से कम हम मिलजुल कर ऐसा काम आगे बढ़ाये।

सं गच्छध्वं सं वदध्वं, सं वो मनांसि जानताम्,

देवा भागं यथापूर्वे, सं जानाना उपासते।

मैं समझता हूं कि माननीय अय्यर साहब बहुत विद्वान हैं और वे इस बात का ध्यान रखेंगे। इसमें स्पट कहा गया है कि सुव्यवस्थित ढंग से, वैज्ञानिक ढंग से दोहन करने के लिए समुंद्र के अंदर खनिजों के रिजर्व भंडार बने हुए हैं। हम सब जानते हैं क्योंकि पेट्रोलियम मंत्रालय में बाम्बे हाई, समुद्र के किनारे हम देखने के लिए गये थे। लगभग डेढ़ सौ मील, समुद्र के किनारे से दूर, अंदर बड़े-बड़े संस्थान और यंत्र लगे हुए हैं जो उस समय रशिया की सहायता से लगाए गए थे। समुद्र के पैंदे से तेल की खुदाई करके हमारे पेट्रोलियम और नेचुरल गैस डिपार्टमैंट ने देश की तेल की आवश्यकताओं की पूर्ति करने का जो प्रयास किया था, मैं समझता हूं वैसा ही प्रयास आगे आने वाले समय में होगा, क्योंकि वह डिपार्टमैंट अलग है, खनन विभाग समुद्र के पैंदे में पाए जाने वाले खनन के बारे में पूरा ध्यान रखेगा।

फर्स्ट शैडयूल में रेट्स ऑफ रॉयल्टी बताई गई है। उन खनिजों को निकालने के लिए दूसरी प्राईवेट पार्टियां भी आती हैं और पैसे लगाती हैं, तो रॉयल्टी का रेट क्या होगा, कौन-कौन से धातु मिलने वाले हैं, प्रॉन, इलमेनाइट, रूटाइल, ल्यूकोक्सीन, ज़िरकॉन, गारनेट आदि, मैं समझता हूं कि हमारे यहां नीलमणियां, रजत मणियां और कई प्रकार की मणियों का उल्लेख हमारे प्राचीन ग्रंथों में किया गया है। जॉग्राफिक या डिस्कवरी चैनल में जैसा बताया जाता है, समुद्र के पैंदे में नाना प्रकार के रत्न और अन्य वस्तुएं हो सकती हैं। उससे हम अंदाजा लगा सकते हैं। निश्चित रूप से मैं सरकार से प्रार्थना करूंगा कि जब कानून बन रहा है लेकिन इसकी क्रियान्विती स्वीकृत करें और शीघ्र ही खनन का कार्य प्रारंभ किया जाए ताकि हमारा देश फिर से सोने की चिड़िया कहला सके, जिसके बारे में कहा जाता है - जहां डाल-डाल पर सोने की चिड़िया करती हैं बसेरा।

इसमें प्रदूाण से बचने के लिए भी प्रावधान किया गया है क्योंकि समुद्र में नाना प्रकार के जीव पाए जाते हैं जैसे कोरल्स हैं। हम अंडमान-निकोबार गए थे। वहां नीचे जो कोरल्स पाए जाते हैं, वे नौका के कांच से नीचे देखने पर दिखाई देते हैं। उन कोरल्स को नुकसान नहीं पहुंचे, नाना प्रकार की मछलियों को नुकसान नहीं पहुंचे या और किसी प्रकार से खनन द्वारा प्रदूाण हो, इसके लिए भी इसमें प्रावधान किया गया है।

व्यक्तियों का स्वास्थ्य, देश की सेफ्टी और सिक्टुरिटी का प्रश्न भी यहां आया है।

> "The Central Government is being authorised by notification in the Official Gazette to prescribe norms for the safety and health of persons and safety and security of property in offshore areas."

समुद्र के अंदर और किनारे जो प्रापर्टी है, वहां रहने वाले जीवों की सुरक्षा आदि के बारे में भी इसमें बताया गया है। पेमैंट ऑफ रॉयल्टी के नियम क्या होंगे, फिक्स्ड रैंट किस प्रकार लिया जाएगा, डिफैंस सेफगार्ड, कहा जाता है कि देश की रक्षा खतरे में न पड़े, यह भी इसमें दिया गया है। श्री पटेल ने बताया कि परमाणु विभाग हो, डिफैंस विभाग हो या नेवी हो, उन सबसे मिलकर भी ऐसा कोआर्डीनेशन किया जाएगा ताकि हमारी सेना या देश की सुरक्षा को किसी प्रकार का आघात नहीं पहुंचे।â€¦ (व्यवधान)

सभापति महोदय : कृपया समाप्त कीजिए।

प्रो. रासा सिंह रावत : मैं बहुत जल्दी समाप्त करूंगा।â€¦ (व्यवधान)

इसमें आपरेटिंग राइट्स का भी प्रावधान किया गया है। यह बताकर मैं सिद्ध करना चाहता हूं कि यह बहुत समग्र बिल है। ऐसे समग्र बिल में यह प्रयास किया गया है कि किसी प्रकार की कमी नहीं रहे लेकिन फिर भी यदि माननीय सदस्य कोई कमी बताते हैं तो उसे सरकार दूर करके निश्चित रूप से राट्र हित में खनन कार्य प्रारंभ करके खनिजों की सम्पदा को बाहर लाकर राट्र को समृद्धिशाली बनाने का प्रयास करेगी।

इंटर डिपार्टमैंटल कंसल्टेशन की बात कही गई है। डिफैंस डिपार्टमैंट एंड मिनिस्ट्रीज़, जो ऑफशोर एरिया के अंदर पैरलल इंटरस्ट रखते हैं, उनसे भी विचार-विमर्श की बात कही गई है। एक्सप्लोरेशन लाइसैंस देने की बात, लीज़ देने की बात, उसके लिए पहले उनसे वर्क प्रोग्राम मांगेगे कि आपका क्या कार्यक्रम रहेगा, कैसे आगे बढ़ेंगे, पहली स्टेज में क्या होगा, दूसरी स्टेज में क्या होगा, कब तक उसका वास्तविक स्वरूप सामने आएगा, उनके बारे में भी नियम बनाए गए हैं। इन सबसे पता लगता है कि यह वास्तव में बहुत उपयोगी बिल है। इसलिए मैं आपकी अनुमति से अपने इस कथन को विराम प्रदान करते हुए पुनः कहना चाहूंगा कि एन.डी.ए. की सरकार द्वारा यह अच्छा बिल लाया गया है। पहले पटवा जी, जो पूर्व खनन मंत्री थे, ने भी इसके लिए काफी प्रयास किया था। मैं ऑफशोर एरिया मिनरल्स डैवलपमैंट एंड रैगुलेशन बिल, 2001 का समर्थन करता हूं और आभार व्यक्त करता हूं।

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I support this Bill. This Bill, though belated, contains certain provisions, which have to be thoroughly scrutinised. In Kerala State there is already the process of extraction which is going on near Quilon at Chavara. There is an Indian Rare Earths Minerals Limited. That Company is functioning for the last three or four decades. Thousands of workers are engaged in it. Zircon, ilmenite, thorium, etc., are extracted from the source of Chavara near Quilon.

Sir, India was the only State, which could provide these rare minerals. ...(*Interruptions*) It is said that even for manufacturing of nuclear weapons, even for production of atom bombâ€¦...(*Interruptions*) We were doing it. We were producing it. ...(*Interruptions*) He may not be aware that it was functioning there for decades and thorium was also extracted. Silimanite and zircon were also extracted from the source of Chavara near Quilon.

Sir, if I understand correctly, there were about 3,000 workers engaged by a company − the Indian companyâ€"in the sense it was a public undertaking. It was in high profits for a very long time. Now, it is closed because of this policy. The company is closed not because thorium is out of the market, not because ilmenite is not required in the international market, but because of the wrong policy pursued by the Central Government, which has led to the closure of this company. Nearly 3,000 workers are thrown out of employment because of the policy of the Government. There is no production.

Sir, our coastal areas are rich in rare minerals not only in Kerala but also throughout the coastal areas. Within a radius of three to four miles, these rare minerals are available in plenty. The sea sand is containing thorium and ilmenite deposits. It is a known fact. If you go and see the sea sand there, it will be glittering. Why? It is because it is full of rare minerals. Even now I invite the hon. Minister to visit Kerala coast. He can see tonnes of thorium and ilmenite minerals throughout the long seacoast. In the sea sand it will be glittering during the night like a star. You can see even now. However, we could not produce it. Now, the Government is proposing to bring an international company, a multinational company, to extract these minerals. It is said that it is a Defence area. How far will it affect us? This will have to be ascertained. So, I request the hon. Minister to look into the matter as to how to revive the Indian Rare Earths Factory, which was functioning there. The workers are prepared to work. The company is also prepared to function. If the Government is coming with a very firm hand in helping them, I am sure that we will be able to produce as much thorium as is required for Defence production and we will be able to produce ilmenite, a rare mineral from Chavara at the earliest. These are available in plenty and in abundance. You do not have to bother. Of course, your legislation will be of some use. But unfortunately, you have given 30 years duration for a licence and on some or the other ground, it may be extended by ten or twenty years more. That is the provision in the statute. That is not sufficient. We, the Indians, may be more interested in foreign companies. I am sure, in the Bill, there is a provision that only Indian companies will be provided the licence. That is all right. I do not stand in the way of privatisation. But it must be ensured that on no account is a multinational company allowed to function in this company. They should not be allowed because it is a matter involving our Defence security. Do not put in multinational companies into this field by giving them 26 per cent equity. That is a usual slogan raised by the Central Government. In every private company, you are giving 26 per cent. Do not bring in this 26 per cent in a company for extracting ilmenite or rare minerals from Charara sea coast near Quilon, which is about 60 miles north of Trivandrum. From there, there is an extensive area covering some sixty miles in length and in that area also it is

available. So, I would request you to be very careful in framing the rules and see that our national interests are duly protected when it is given effect to.

There is already a law. Now we are going to have a consolidated law for being implemented for this purpose. I fully agree to this. But you should take abundant caution to see that our national interests are duly protected and the workers' interests are also protected. Some of the companies are facing closure. Revive all those companies and make them profitable by giving them Central assistance. I hope, the hon. Minister will give his attention to these matters, especially the functioning of rare earth factories on the coast of Charara near Quilon. With these words, I conclude.

SHRI TRILOCHAN KANUNGO (JAGATSINGHPUR): Mr. Chairman, Sir, I stand to support this Bill. It is no doubt a very good Bill because it is adding 28 lakh sq. kilometres of area to 33 lakh kilometres of our on-shore mineral area. If you look at this 33 lakh kilometres on-shore area, that is, the land area of India, you have to exclude the area which is under Pakistan and which is also under the occupation of China. So, it is equal to the land area of India. The new mineral area has to be exploited. Therefore, it is a very welcome idea and we support it. We wish that it should be done faithfully, scientifically and in a very modernised way.

While supporting this, I have a few suggestions. I hope, the hon. Minister will kindly pay heed to those suggestions and in the course of his reply, he will give answer to those points.

It is not that we are not exploiting the marine products. We are exploiting the marine products like fish and all those things. But this is a mineral under the sea. The House and the country deserves to know which of the developed countries are exploiting off-shore minerals, how much they are getting out of that and which are those mienrals.

A clear picture is ought to be given to this House and I hope the hon. Minister will kindly do that. That is my first point.

I will come to the second aspect. I am sorry to say this. This is, no doubt, a Central law made under article 297 unlike the Mines and Minerals (Regulation and Development) Act now known as the Mines and Minerals (Development and Regulation) Act. The Mines and Minerals (Development and Regulation) Act is a colourable legislation and it should not have been enacted by the Parliament of India. The Parliament has only the right for regulation and development of the mines and minerals. It should have been passed on to the respective States. But that has not been done. But it is entirely a Central Act. In this Central Act there is no provision for the role of the marine States, the States along the coastline or even for the share of those States. That has also to be looked into because it is adjacent to them and as hon. Member Shri Varkala Radhakrishnan has rightly said, it is not only along the coastline of Kerala but it is along the coastline of Orissa also. In Gopalpur we shall see the deposits of minerals like Monazite, Rutile, Thorium and all these things which are there. So, along the coastline we have immense wealth. That has not been properly exploited as yet. Therefore, I request the hon. Minister, through you, to see that the role of the respective marine States, the coastal States and also of their share is looked into properly. That has not been given place in this beautiful Act.

My third point is regarding royalty. The language has been brought from the Mines and Minerals (Regulation and Development) Act now known as Mines and Minerals (Development and Regulation) Act. There is a provision in clause 16 in this Act regarding royalty. The proviso to clause 16, sub-clause 2 reads as follows :

> "The Central Government shall not enhance rate of royalty in respect of any mineral more than once during any period of three years."

I request the hon. Minister, through you that let this be very specific. This is a very mischievous construction of language and let it be made very specific. Please make it that it will be enhanced or it will be changed every two years. You give a specific time. Otherwise, it will not be enhanced within any three years − and that means it may not be enhanced for 10 or 15 years as it is being done now with other minerals and coal. The hon. Minister of Coal and Mines knows that for the last eight years the royalty on coal has not yet been revised or has not yet been enhanced because such a provision is there and they are taking shelter in this sort of a provision.

The Sarkaria Commission has rightly said that the royalty should be revised every two years. It has not been done. The Eleventh Finance Commission has also said that every three years the royalty should be revised and if the Central Government does not revise the royalty in time then the respective mineral-bearing States are to get compensation. Therefore, I am submitting that though the Government of India will get the royalty, still this should be made very clear that it should be revised every two years. Otherwise the beneficiaries will be the private miners. Therefore, I request that the hon. Minister may kindly take care of this.

Sir, my fourth suggestion is this. I would request him to please look at the First Schedule. There are only nine items.

It means only nine minerals have been identified and not more than that. That shows that the total survey of all the explorable sites has not been done so far as offshore minerals are concerned. We want to know, in fact, what is the largest survey done so far as our offshore mineral wealth is concerned. Here, only nine minerals have been pointed out. In First Schedule, there is also a provision that on some minerals, the royalty is on *ad valorem* basis and on some minerals, it is on flat rate. Therefore, my suggestion is to please make it on *ad valorem* basis in respect of all the minerals.

Sir, when Mines and Minerals (Development and Regualtion) Act was enacted in 1957, the House was given, the nation was given an assurance that nearly 20 per cent of the pit mouth value will be paid as royalty. That has not been adhered to. At that time, the provision was that every fourth year, it would be revised, but that had not been adhered to because of this mischievous construction of the provision. The mischievous construction is − I am reading it again − "shall not enhance the rate of royalty in respect of any mineral more than once during any period of three years." That means, it will not be revised within three years and `after three years' means, it may be revised after 10 years or it may also be revised after 20 years as it is happening in the case of coal. Therefore, I am requesting him that let it be very clear, emphatic and unambiguous so that there will be no misuse of any provision in future.

Again, I thank the hon. Minister for bringing such a law. I wish it success, but these four things that I have placed before this House ought to be addressed by the hon. Minister.

KUMARI MAMATA BANERJEE (CALCUTTA SOUTH): Sir, if you allow, I would like to raise one thing.

We are very happy that when the House is in Session, Shri Abdul Kalamji has won the presidential election with about 90 per cent votes. We would like to congratulate him because it is a unanimous election. We are proud to say that he is a peace-maker of the new scientific world and is a great hope for the country. Congratulations to him, through you, Sir!

SHRI PRABODH PANDA (MIDNAPORE): Hon. Chairman, Sir, I rise to broadly support the Bill. In the present scenario of so-called liberalisation and globalisation, I must thank the Government and the Minister that they have brought the Bill which at least restricts the foreigners. It is good, but I have got the apprehension how far they will stick to that. This is the order of the day.

Sir, it is understood that the Union Government feels to enact the legislation to take its control off the regulation of the mines development and minerals in the offshore areas. Also, a proposal has come which specifies the parameters of the operating rights, the production lease and so on and so forth. This is good. We have no objection to that. That can be done. But while supporting the Bill, I must ask one question.

17.00 hrs.

This question has already been raised here by one hon. Member that why the respective State Governments have not been involved or why there is no provision to involve the State governments. The State Governments are also responsible to look after the offshore and the seacoast areas. I think, there should be some provision. Please think over involving the respective State Governments in this.

I am thankful to the Government that they have carefully considered all the recommendations of the Working Groups. This is a good thing, but the point is why you did not ask the State Governments to send their recommendations or opinions on that. I would request you to look into this matter.

I want to say that everything is okay. Lastly, I want to raise one other point, which may not come under the purview of this Bill. Since the Minister is dealing with ocean-related matters, I wish to point out that sea erosion is increasing day by day and it is a fact. Who will look after that? The State Governments are not looking after that. They have no money, and the subject matter pertaining to seas does not belong to them. This issue may not come under the purview of this Bill, but please take note of that so that this problem can be solved. I do not want to say anything more. Generally, I support this Bill.

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): Respected Chairman, Sir, this is a very important Bill, but it has come after a delay of about two years and the fact that we were part of the Convention on the Law of Seas as early as 1982. This Bill only deals with the procedural matters, but it should have a wider perspective and it should conserve the wealth which is available in the ocean-basin, especially in the seas around our *Bharat*. We have got a lot of living and non-living things and also minerals which can be tapped very easily and which are very useful for the people who are living near the seashore. We should be very careful in dealing with this matter. This wealth should not be taken away by the foreigners under the guise of helping the people who are living nearby. At the same time, you have not enunciated any perspective plan about how you are going to conserve the wealth which is available in our ocean-basin.

The economic zone in the Southern side is having living and non-living things that are precious. After getting the mining licence, people may take away these living and non-living things which are very precious and which are used as food and medicine. The Government should have the vigilance mechanism in place to find out whether this type of wealth is being taken away by people who have got the mining licences. Mining in the sea or ocean is a very difficult and costly thing. It needs a lot of modern machinery and also investment. People may steal this natural wealth of both living and non-living things that are abundantly available.

Sir, my constituency is surrounded by the Bay of Bengal where corals are found in abundance. But all those are taken away by even very small people. There is no vigilance on the part of the Government. There is no separate Department for development of the oceans. Though we have got a Department, namely, the Department of Ocean Development, yet they are only carrying out small research operations here and there and they also have a very small Budget with very less financial allocation. If some information is sought about fishing, then people are directed to the Ministry of Agriculture. If some information is sought about mining, then people are directed to the Department of Mines. But sea mining is totally different from that of terrestrial mining. Therefore, the Department has to pay much more attention to this aspect. A holistic attitude should be there to find out as to how best these areas could be developed. The data that have been made available at the very beginning of Bill suggests that we have a 3.3 million square kilometers of land area with a coastal line of 8041 kilometers. It is the greatest wealth that nature has bestowed on us. Therefore, the Government should have a separate Department that should look after sea fishing and other living organisms and also for protecting and preserving the environment according to the laid down international norms.

At the same time we should also get harvesting out of it. We should have sea mining by protecting the environment. If all these three aspects would have to be integrated and looked after, then we should have a separate Department for this that can take care of mining, harvesting of living things and also of protecting the environment.

Sir, I would like to suggest that by simple enactment of a law we may not be able to harness the richness of the sea shores that this country has been endowed with. For example, in my State constituency we have started a college of Ocean and Coastal Study at Thondi. Coastal study is only at the initial stage in our Indian educational system. We have got a coastal line that is embedded in richness. But we do not have the knowledge to explore that. So, that aspect has to be looked into. We should have a proper educational system wherein there should be scope for research to find out the magnitude of wealth that we have on the coastal line and how best we can utilise this available wealth on the coastal line and how best the unemployed youth of our country could be used in this field. It should not be done only for commercial reasons. It is a wealth that should be used for the welfare of the community and the society at large. That is much more important.

Sir, I welcome this Bill. But at the same time I would like to draw the attention of the Government to the fact that we should concentrate on conserving the wealth of the oceans. There should be a proper discussion on this issue and a suitable law should also be enacted to conserve the wealth of our oceans. This aspect has not been taken into consideration in this Offshore Mineral Development Regulation Bill. Normally when there is development as well as regulation, there should be some investment for development also. If the Mining and Minerals Act is giving a developmental focus then when mining is taken up it should be replaced by some environment-friendly provision. In the same way, sea offshore should also be protected. But there is no provision for this in this Act.

Sir, the other thing is that income as royalty and licence fee should also be shared with the States. For example, the coastal States like Tamil Nadu, West Bengal and Andhra Pradesh can earn a lot of money by way of royalty from this.

SHRI TRILOCHAN KANUNGO : Why are you forgetting the State of Orissa?

SHRI E.M. SUDARSANA NATCHIAPPAN : We cannot forget the State of Orissa. It should also get its share in the royalty. There should be some taxation for the welfare of the States that are protecting the seabeds.

Therefore, there should be proper participation by both the Central Government and the State Governments. Both the Governments should see that the wealth is preserved and utilised properly for the welfare of the community.

SHRI BIKRAM KESHARI DEO (KALAHANDI): Mr. Chairman, Sir, I rise to support the Offshore Areas Mineral (Development and Regulation) Bill, 2001.

With the modern development process going on in the country and with the country becoming a nuclear power, the necessity for more radioactive minerals is envisaged. Nuclear minerals like zircon, ilmenite, etc., are mainly found in the offshore areas and this Bill would help in mining them. Therefore, I wholeheartedly support this Bill.

Basically this Bill legalises offshore mining within the continental shelf in the territorial waters which have been

earmarked in the Bill. There are provisions in various clauses for ensuring protection of environment. But, I would like to say that we should go by our past experience. In the case of land-based mining that is taking place today, rehabilitation has not been done for the last 20 years in the way it is supposed to have been. In the case of BALCO at Korba, and at places where thermal power plants are built, the people displaced have not yet been rehabilitated.

When this Bill becomes an Act and comes into force, offshore mining will go on right from Maharashtra coast to Bengal coast. In Mumbai you get duck fish and pomfret. Orissa coast is full of shrimp. Millions of fishermen in the country depend on coastal farming and pisciculture for their livelihood. How do we save them? I would request the hon. Minister to kindly clarify this point in his reply as to how the interests of fishermen will be safeguarded.

Offshore mining is new to India. After 20 years of the United Nations Convention on Law of the Sea, 1982, we have come forward with this Bill. Why did it take so long to bring this Bill? I congratulate the hon. Minister and the Government for coming forward with this dynamic Bill in this new era of development. I completely support this Bill.

Before I conclude, I would like to mention some points about my State Orissa. My hon. friend Shri Trilochan Kanungo mentioned the royalty part. Our State has always been a neglected State, be it in the case of coal, be it in the case bauxite mining. Orissa has the second largest bauxite mines in Asia. Even then we have been neglected in the case of royalty. We are a State with the longest coastline in the country. We have the Rare Earths Limited plant at Gopalpur. I would request that its running should be improved, it should be expanded, and more activity should be carried out there.

With these words, I support this Bill.

SHRI SHIVRAJ V. PATIL (LATUR): Sir, may I have an opportunity to say something? I will take just five minutes.

MR. CHAIRMAN : Yes.

SHRI SHIVRAJ V. PATIL : We are very happy that this Bill has been introduced in this House. This Bill refers to the wealth available in the ocean. I had the good fortune of working as the Minister looking after the Department of Ocean Development. I know as to how the Department of Ocean Development came into existence.

Shrimati Indira Gandhi wanted that there should be a Department of Ocean Development. She was told that since we had the Agriculture Ministry looking after Fisheries, the Defence Ministry looking after the navigation problems, etc., a Department of Ocean Development was not necessary.

But she explained, and I know it. She explained that the oceans are richer than the land is. All that you have on the land and under the land is available on the sea belt and under the sea belt; and in the columns of water which are standing on the ocean belt, there are many things which are not available eitehr on the land, or under the land.

So, she insisted that the Department of Ocean Development should come into existence and that the responsibility of that Department should be to find out as to what kind of wealth is available in the ocean, and then develop the technology for using that wealth and then making that technology available to the Government as well as to the private sector so that the wealth available in the ocean is utilised.

And, she had to put a lot of pressure on the Administration to see that the Department comes into existence, and it did come into existence. But that Department is moving a little slowly. All the same, this law provides that the mineral wealth which is available in the ocean should be utilised.

About the territorial water, we have sovereignty over territorial water. In the economic zone, we have economic sovereignty. We can use the wealth in the economic zone, and beyond that also we will be allowed to utilise resources in the ocean with the permission of the International Sea Belt Authority which has come into existence and fortunately, this Bill has come into existence.

This Bill will encourage the private sector, the public sector, the Government sector, and for anyone who is intending to utilise the resources in the ocean. It is a welcome provision. May be, there are some defects and shortcomings. But as the time passes and when it is enforced and used, we will be able to do away with those defects and shortcomings.

But there is only one point which I want to make in this respect. It is not only the minerals which are available in the ocean. There are a lot of food materials which are available in the ocean. It is not only the fish which is available but there are so many things on the ocean bed which can be utilised as food. It is a very healthy food. Now, it should be possible for us to utilise the food.

How much is the economic zone we have? It is two-thirds of the land mass of India. It is our economic zone and it

remains unutilised. It is the virgin land. We have not touched it at all. So, first, we should utilise these minerals which are available; second, we should utilise the food material which is available; and third, there are chemicals available in the ocean. These chemicals should also be utilised. It is not yet realised that the ocean is the reservoir of energy. Energy come from the Sun. It is stored in the ocean and then again it becomes available to the people.

There should be technology developed for this purpose also to see that the energy which is available can be utilised. So, the steps which we have to take for utilising the ocean resources are to see that the energy which is available is used.

These days we have been talking about drinking water problem. People have been telling us that there is going to be dearth of energy; dearth of drinking water. They are not talking these days about the dearth of food material because now, we have food material in excess. But as far as drinking water and energy are concerned, they are talking about them. If we utilise the energy which is in the ocean, it would be possible for us to supply energy to ourselves. But it is not going to be available in five years time. So, if we do not start now, we will not be able to utilise it in 20 years time. That much time will be taken. If we start late, more time would be taken.

Here, it is food, energy and drinking water. You may be able to deal with the problem of drinking water; you may be able to supply food but not drinking water. So, what has actually to be done is to develop the technology for turning the ocean water into potable water and that potable water should be available for drinking purposes. That kind of water can be utilised for irrigation purposes also.

If the Government of India has to provide for the problems of the country, the Government of India should not be happy only to provide for the problems of the present, but it should be able to provide for the problems of the future also. It has to be done in 10-15 years' time. If we had not started atomic energy development early, we would not have reached here. If we had not started research and development in space early, we would not have reached here.

Now, the time has come when we shall have to develop our capacity to utilise ocean resources so that the fruits of it will be visible to us and available to us after 50 years' time. The same is applicable to the genetics also.

While congratulating the Minister for bringing forward this Bill and while supporting this Bill wholeheartedly, we would request the Minister to keep these things in mind and whenever possible push through these things so that after some time − when we may or may not be there − something which is really futuristic will happen.

श्री रवि शंकर प्रसादः आदरणीय सभापति जी, भविय की संभावनाओं को नियंत्रित करने के लिए मैं जो बिल लेकर आया था, उसका पूरे सदन ने बहुत सहज तरीके से स्वागत किया, सहयोग किया। इसके लिए मैं सबका कृतज्ञ हूं। शायद यह समय की आवश्यकता है।

आदरणीय शिवराज पाटिल जी ने इसकी ऐतिहासिक पृठभूमि को बताया। श्रद्धेय मनी शंकर अय्यर जी ने इसमें समाजवाद के नवनिर्माण की बुनियाद देखने की कोशिश की। मेरे मित्र श्री प्रहलाद पटेल, रासा सिंह रावत, सुदर्शन जी, प्रमोद पांडा जी, राधाकृणन जी और देव साहब ने इसकी आवश्यकता पर जोर दिया। श्री रघुवंश बाबू ने अपनी बात कही। कुछ दो प्रदेशों की बात की। मैं उसका भी उत्तर देने की कोशिश करूंगा।

Sir, let us go step by step. Shri Mani Shankar Aiyar talked in detail about the delay, which was reiterated by other hon. Members also. I would only like to inform that the Law of the Sea Convention was held in the year 1982. It became effective on the 16th November 1994. It was ratified by India on the 29th June 1995. From 1982 to 2002, it is a period of 20 years. Out of this, we have been in effective power for four years. If in those four years, we have come forward with this Bill, it is for the House to decide whether there is any delay on our part. But yes, I must, at the same time, do say that we ensured that we had the widest consultation possible because of the serious implications of this Bill.

I would only wish to inform the House, through you, Sir, that we had consultations with the Ministry of Defence, the Ministry of Environment and Forest, the Ministry of External Affairs, the Ministry of Petroleum and Natural Gas, the Ministry of Commerce and Industry, the Department of Ocean Development, the Department of Atomic Energy, the Department of Animal Husbandry and Dairying, the Department of Science and Technology, the Department of Legal Affairs, and others. If this was the widest possible nature of consultations, then, I think, Shri Mani Shankar Aiyar will certainly grant us this indulgence. After coming to power in the year 1998, we initiated the process with greater speed and came forward with this Bill which has found the widest acceptability in four years, then that is indeed a matter of appreciation and not of criticism.

As far as certain other issues which have been raised by Shri Mani Shankar Aiyar and others are concerned, I would like to take upon them one by one. He talked about the environmental concerns, the security concerns and about the mechanism to implement this Bill. I wish to assure him that as far as the regulatory part is concerned, presently we are contemplating to have the Indian Bureau of Mines as the regulator, which is a proper expert body. I wish to further assure him that with the experience of the working of this Bill − or this Act after it comes into effect − if we need further amendments, certainly we would be doing that because this is a new area which we are seeking to explore with our expertise.

Since the Indian Bureau of Mines is there in existence for the last so many years with expertise in mines planning, mines monitoring, mines executing, etc., I am sure presently, IBM would be able to do that. I would again reiterate that if need be − if the need is felt − we would certainly make corrections as regards a further autonomous regulator, as he has suggested.

Many other hon. Members have talked about other concerns. Shri Mani Shankar Aiyar talked about the socialist nature of this Bill. I can only tell him this. He informed that socialism as a policy is always welcome so far as development is concerned. But if socialism brings in statusquo-ism and if development is retarded, you would certainly go for new tools. He has talked about the Licence Fee and the telecom sector. Certainly, that is a separate sector and the concerned Minister can reply about that. But I can only assure him that as far as record of my Government is concerned, it is a fact that after we have changed from licence to revenue sharing, today there is a competition in lowering the rates of telephones. Are not the consumers being benefited? Therefore, details will have to be awaited but since the hon. Member has mentioned it, I thought that I must indicate it.

As far as the licence fee and other things in the present Act are concerned, it is absolutely on the same line as the Mineral Development and Regulation Act. We have adopted the same mechanism. Many Members have mentioned that there are only nine minerals mentioned in the Schedule. Shri Kanungo has also mentioned it. I would just like to inform him that if he reads the Schedule, serial 10, it is stated, "All other minerals not hereinafter specified". Therefore, these nine have been specified, the rate of royalty indicated and for the rest, we have put a flat rate, a 10 per cent sales price *ad valoram. Raghuvanshiji has asked,* इसको कहां छोड़ दिया आपने। It is very much included there. All the rest of the minerals are very much included in the Schedule at serial number 10.

Raghuvanshji has mentioned about the environment and security.

मैं रघुवंश बाबू को यह बताना चाहूंगा कि अगर आप इस बिल के दो प्रावधान - पैरा 7 और 9, का ध्यान करें तो उसमें इस बात का साफ ध्यान है । पर्यावरण की आवश्यकता, सुरक्षा की आवश्यकता, अन्य किसी विशेा आवश्यकता के आलोक में सरकार उसकी लीज़ को रद्द कर सकती है और अगर राट्र हित में लीज़ को रद्द करना आवश्यक हुआ तो सरकार ने वह अधिकार भी अपने पास रखा है। ऐसा अन्य किसी प्रावधान में नहीं है। क्योंकि समुद्र के तटों की चिन्ता राट्र की चिन्ता के साथ जुड़ी हुई है, इसलिए हमने यह विशेा अधिकार रखा है।

Shri Aiyar talked about discretion with the Government. I think this discretion had to be taken by the Government because of the highly sensitive nature of the operations which are sought to be addressed by this Bill. Therefore, within the prescribed guidelines, rules in detail would come about. I wish to assure him that these discretions also will be exercised in the most objective and fair manner keeping national security, environmental concerns and other Defence concerns in mind.

May I just inform the House one thing more, that is, when we will be identifying a particular mining area, we will be taking approval of the Defence and only after approval of the Defence agencies, we shall notify a particular mining area depending upon the longitude and latitude.

Many of my friends mentioned about the concern of fisheries and other things. I wish to assure them that there is no contradiction between the fishery right and mining right. For mining right we have to go deep inside the sea and fishery is done either on the surface or a little below the surface. Therefore, there is no particular contradiction. However, for the execution of the scheme under this Act, we shall always be consulting the Fishery Department also so that there is no problem *per se.*

An issue about the royalty and the share of the State Government was raised by Shri Kanungo. My friend Shri Bikram Keshari Deo also mentioned about it. I wish to again quote the Constitution. It has been mentioned;

> "All lands, minerals and other things of value, underlying the ocean within the territorial waters or the continental shelf, shall vest in the Union and be held for the purposes of the Union. "

So, in terms of the Constitution itself, all minerals, like petroleum and natural gas as they are also exploited, vest with the Government of India. This is not to say that we do not have a feeling for the State Government. This is not to say that we do not acknowledge the right of the State Government.

I wish to tell you that under the MMDR Act there is a proper division of royalty. Since our Government has come to power, we have delegated most of the powers to the State Governments in award of licence....(*Interruptions*) Royalty revision is there. Royalty is shared by the State. So, royalty is yours and nor ours. In the Constitution, mines on the land belong to the State and the mine inside the sea belongs to the Central Government. Therefore, I hope my very esteemed friends would appreciate this Constitutional scheme.

श्री रवि शंकर प्रसाद : रघुवंश बाबू ने बिहार की बात काâ€¦ (व्यवधान)

श्री रामजीलाल सुमन (फिरोजाबाद) : रघुवंश बाबू का आपके ऊपर कुछ ज्यादा ही असर है।

श्री रवि शंकर प्रसाद : ये बिहार के वरिठ नेता हैं। सुमन जी, इतना तो कहने दीजिए।

SHRI VARKALA RADHAKRISHNAN : What about the Rare Earth India Ltd.?

SHRI RAVI SHANKAR PRASAD: You are right, Shri Radhakrishnan and I am just coming to that point. This Rare Earth India Ltd. is a public sector undertaking of the Department of Atomic Energy. It is running well. Before framing this Bill we also had consultation with the Department of Atomic Energy and they had given their approval and consent for this Bill. Therefore, the objective that this Bill seeks to subserve would under no circumstances mitigate against the objective of the Rare Earth India Ltd. This is the assurance I want to give. The total activity of that very significant public sector undertaking will continue to be there. It shall be getting our fullest cooperation. There shall be no contradiction and if any problem would arise, we shall have further consultations as I have told you.

रघुवंश बाबू, बिहार को जो ग्रेनाइट मिला है, वह हम लोगों के प्रयास से मिला है। बिहार के सात जिलों में 19 प्रौस्पैक्ट्स में चार हजार करोड़ रुपये का ग्रेनाइट खोजा गया है।

कुंवर अखिलेश सिंह (महाराजगंज, उ.प्र.) : यह भी तो बता दीजिए कि बिहार को कितनी रायल्टी मिलेगी।

श्री रवि शंकर प्रसाद : हमने चार हजार करोड़ रुपये का बताया है। लेकिन नियम के मुताबिक लीज देने का राइट आपका है, हमारा नहीं है। इसलिए आप अपने ि वशेा व्यक्तित्व से आग्रह करके लीज दिलवाइये। ज्यूलोजिकल सर्वे ऑफ इंडिया की ओर से हम पूरी मदद करेंगे, लेकिन कानून में लीज देने का अधिकार हमारा नहीं है। हमने खोज कर आपको बता दिया है कि यहां पर ग्रेनाइट है।

I can only assure you that this Bill is a significant milestone development in India as pointed out by Shri Shivraj Patil. I would appreciate if the whole House extends its cooperation in passing this Bill. With these words, I thank you.

MR. CHAIRMAN : The question is:

> "That the Bill to provide for development and regulation of mineral resources in the territorial water, continental shelf, exclusive economic zone and other maritime zones of India and to provide for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House shall now take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 12 stand part of the Bill."

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

Clause 13 Grant of

Production Lease.

Amendments made:

Page 7, line 32, -

for "land" substitute "offshore area". (3)

Page 7, line 35, -

for "land" substitute "offshore area". (4)

(Shri Ravi Shankar Prasad)

SHRI PRABODH PANDA: I beg to move:

"Page 7, line 42, -

for "thirty years" substitute "twenty years"" (7)

MR. CHAIRMAN: I shall nowput amendment No.7 moved by Shri Prabodh Panda to vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clauses 14 and 15 were added to the Bill.

Clause 16 Royality

SHRI TRILOCHAN KANUNGO : I beg to move:

"Page 8, lines 27 and 28, -

for "shall not enhance the rate of royalty in respect of any mineral more than once during any period of three years".

substitute "shall enhance the rate of royalty in respect of any mineral every two years". (16)

Sir, the Minister has not answered my question. If he gives an answer, I will not press my amendment.

SHRI RAVI SHANKAR PRASAD: Royalty is already fixed for three years.

SHRI TRILOCHAN KANUNGO : I have asked for a definite time.

SHRI RAVI SHANKAR PRASAD: By law itself three-year period is already there.

SHRI TRILOCHAN KANUNGO : Then you say that after three years it would be reviewed.

MR. CHAIRMAN: I shall now put amendment No.16 moved by Shri Trilochan Kanungo to vote of the House.

The amendment was put and negatived.

SHRI MANI SHANKAR AIYAR : There is a technical mistake, Sir, to which I would like to draw your attention. Clause 16 is related to the First Schedule and in Entry No.1 of the First Schedule, there is a comma put after the word 'brown'. It should not be there. It should be read as 'brown ilmenite' and not 'brown, ilmenite'.

I also draw your attention to Entry No.8, to the way sillimanite is being spelt. You have spelt it differently than the way in which you have spelt it in the Statement of Objects and Reasons. As this is a legal document, please take care of it.

SHRI RAVI SHANKAR PRASAD: I will look into it.

MR. CHAIRMAN: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17 to 22 were added to the Bill.

Clause 23 Offences

SHRI PRABODH PANDA : I beg to move:

"Page 11, line 29 −

for "five years"

substitute "ten years" (8)

Page 11, line 29 −

for "fifty thousand"

substitute "one lakh" (9)

Page 11, line 32 −

for "three years"

substitute "five years" (10)

Page 11, line 33 −

for "twenty-five thousand"

substitute "fifty thousand" (11)

Page 11, line 40 −

for "three years"

substitute "five years" (12)

Page 11, line 40 −

for "fifty lakh"

substitute "seventy-five lakh" (13)

Page 12, line 6 −

for "five years"

substitute "eight years" (14)

Page 12, line 7 −

for "fifty-thousand"

substitute "one lakh" (15)

MR. CHAIRMAN: I shall now put amendment Nos. 8, 9, 10, 11, 12, 13, 14 and 15 moved by Shri Prabodh Panda to vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clauses 24 to 38 were added to the Bill.

The First Schedule was added to the Bill.

The Second Schedule was added to the Bill.

Clause 1 **Short title**

And commencement

Amendment made:

Page 1, line 6, --

for "2001",

substitute "2002" (2)

(Shri Ravi Shankar Prasad)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line, --

for "Fifty-second"

substitute "Fifty-third" (1)

(Shri Ravi Shankar Prasad)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

SHRI RAVI SHANKAR PRASAD: I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.